

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELOY VARGAS MORALES,

Defendant.

8:17CR147

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 67). The Court has carefully reviewed the record in this case and finds as follows:

1. On November 13, 2018, defendant Eloy Vargas Morales ("Morales") pled guilty to Counts I and II of the Indictment and admitted the Forfeiture Allegation. Count I of the Indictment charged Morales with conspiracy to distribute and possess with intent to distribute a mixture or substance containing methamphetamine, in violation of 21 U.S.C. § 846. Count II of the Indictment charged Morales with possession with intent to distribute a mixture or substance containing methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1).

2. The Forfeiture Allegation of the Indictment sought forfeiture, pursuant to 21 U.S.C. § 853, of United States currency seized from Morales on or about March 14, 2017, on the basis it was either (a) used to facilitate the offenses charged in the Indictment or (b) derived from proceeds obtained directly or indirectly as a result of the commission of the offenses charged in the Indictment.

3. At Morales's sentencing hearing on February 8, 2019, the Court ordered the forfeiture of "all United States currency" taken from defendant on or about March 14, 2017.

4. Based on Morales's guilty plea and admission and the parties' stipulation, Morales forfeits his interest in \$8,886 in United States currency, and the government should be entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

5. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 67) is granted.
2. Based upon the Forfeiture Allegation of the Indictment, Morales's guilty plea and admission, and the parties' stipulation, the government is hereby authorized to seize the \$8,886 in United States currency.
3. Morales's interest in the \$8,886 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$8,886 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than Morales, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$8,886 in United States currency, shall be signed by the Petitioner under

penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$8,886 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$8,886 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 14th day of February 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge